THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No. 19128 OF 1994

30-01-2006

Between:

M/s.Kesoram Cement, Basanth Nagar, Karimnagar District,

Rep. by its Factory Manager.

……Petitioner

And

The State Government of Andhra Pradesh, rep. by its Secretary,

Panchayat Raj, hyderabad & Others.

…..Respondents

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THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No. 19128 OF 1994

ORDER : (Per Hon'ble Sri Bilal Nazki, J)

This is a writ petition filed by the petitioner challenging the

demand raised on account of house tax to the tune of Rs.3,39,145-95. During the hearing, it was stated that under Section 72 of the Andhra Pradesh Panchayati Raj Act, 1994 (hereinafter referred to as 'the Act'), the Grampanchayat, on application by owner of a factory or a contiguous group of buildings, may permit him to compound all or any of the taxes payable by him under the Act by paying in lieu thereof such lump sum amount as may be agreed upon between the owner and the Grampanchayat. When there is no such agreement, the matter can be referred to Government in the manner prescribed.

It is submitted that in terms of Section 72 of the Act, Government has issued G.O.Ms.No.594, dated 11.8.1995. As a matter of fact, for an earlier period, there had been an agreement between the parties and the owners had agreed to pay Rs.54,650/- for the period 1991-1994. The controversy relates to payment of tax after 1994. It is stated at the Bar that the petitioner had already made an application on 5th September 2005, seeking an agreement with the Grampanchayat in terms of Section 72 of the Act.

In this view of the matter, we do not think it will be necessary to keep this writ petition on board, which is being disposed of with a direction to the 5th respondent-Grampanchayat to take a decision on the application and parties shall try to have an agreement in terms of Section 72 of the Act. In case of failure, the matter may be referred to the Government. The parties shall take the decision with regard to agreement within four weeks. The order passed on 1st November 1994 shall remain operative for a period of eight weeks.

Writ petition is accordingly disposed of. No order as to costs.

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(BILAL NAZKI, J)

30th January 2006

(D. APPA RAO, J)

ajr